

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
CASE NO. DNCW3:08-CR-233-3
(Financial Litigation Unit)
RICHARD VARELA,)
Defendant,)
and)
HESTER ENTERPRISES INC,)
Garnishee.)

ORDER OF CONTINUING GARNISHMENT

THIS MATTER IS BEFORE THE COURT on the answer of Hester Enterprises Inc, as Garnishee. On October 02, 2009, the Honorable Martin Reidinger sentenced Defendant to forty-seven months of incarceration for his conviction of Conspiracy to Commit False Claims, Conspiracy to Defraud the United States, and Aggravated Identity Theft in violation of 18 U.S.C §§286, 371, 1028(A)(a)(1). Judgment in the criminal case was filed on October 23, 2009 (Docket No. 101). As part of that Judgment, Defendant was ordered to pay an assessment of \$300 and restitution of \$12,342,117.00 to the victims of the crime. *Id.*

On May 14, 2015, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 164), to Garnishee, Hester Enterprises Inc, ("Garnishee"). The United States is entitled to a wage garnishment of up to twenty-five percent of net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673. Defendant was served with the Writ on May 22, 2015, and Garnishee was served on May 18, 2015. Garnishee filed an Answer on June 02, 2015 (Docket No. 173), stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt, disposable earnings.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$12,319,359.74 computed through June 25, 2015. Garnishee will pay the United States up to twenty-five percent of Defendant's net earnings which remain after all deductions required by law have been withheld and one hundred percent of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, NC 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW308CR000233-003.

IT IS FURTHER ORDERED that Garnishee will advise this Court if Defendant's employment is terminated at any time by Garnishee or Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

Signed: August 3, 2015



David C. Keesler
United States Magistrate Judge